

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

18 Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action
19 pursuant to 42 U.S.C. section 1983. On January 9, 2006, the Court ordered plaintiff to advise
20 whether he wished to proceed with the claims in the second amended complaint found to be
21 cognizable. On January 25, 2006, plaintiff informed the court that he wanted to proceed with the
22 cognizable claims. In its January 9, 2006 Order, the Court found that plaintiff stated a cognizable
23 claim for deliberate indifference to his serious medical needs against defendants Haggie,
24 Schumacher and Chief Medical Officer Posner. The Court also found that plaintiff stated a
25 cognizable claim for deliberate indifference to his safety against defendants Hill and Carline.
26 Defendants Haggie, Hill and Carline were served with the second amended complaint. However,
27 plaintiffs have advised that defendants Schumacher and Posner have not been served.

28 || Accordingly, IT IS HEREBY ORDERED that:

1. Service is appropriate for the following defendants:

SCHUMACHER

POSNER

2. The Clerk of the Court shall send plaintiff TWO (2) USM-285 forms, TWO (2) summons, an instruction sheet and a copy of the second amended complaint filed January 9, 2006.

3. Within fifteen days from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the completed Notice to the court with the following documents:

- a. Completed summons;
 - b. One completed USM-285 form for each defendant listed above; and
 - c. Three (3) copies of the endorsed second amended complaint filed January 9, 2006.

4. Plaintiff need not attempt service on defendants and need not request waiver of service.

Upon receipt of the above-described documents, the court will direct the United States Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

5. Plaintiff's failure to comply with this order may result in sanctions, including dismissal of this action. Local Rule 11-110.

IT IS SO ORDERED.

3c0hj8 Dated: July 21, 2006

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE